

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : STIPULATION AND ORDER
:
-v.- : 16 CR. 190 (PGG)
:
ALEKSANDR BURMAN, :
a/k/a "Alexander Burman," :
Defendant. :
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WHEREAS, on or about March 8, 2016, ALEKSANDR BURMAN, a/k/a "Alexander Burman," (the "Defendant") was charged in a three-count Information, 16 Cr. 190 (PGG) (the "Information"), with conspiracy to commit health care fraud and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Two); and committing a felony while released under Chapter 207 of Title 18, United States Code, Section 3147 (Count Three);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Two of the Information seeking, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of the Information;

WHEREAS, on or about March 18, 2016, the defendant pled guilty to Counts One through Three of the Information, pursuant to a plea agreement with the Government (the "Plea Agreement"), wherein the defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit, pursuant to 18 U.S.C. § 982(a)(7), a sum of

money equal to \$16,686,811 in United States currency, representing proceeds traceable to the health care fraud scheme charged in Counts One and Two of the Information;

WHEREAS, on or about May 19, 2017, the defendant was sentenced and an Amended Consent Preliminary Order of Forfeiture ("Preliminary Order") imposing a money judgment in the amount of \$16,686,811 in United States currency, representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information (the "Money Judgment"), and forfeiting to the United States Government, among other things, the following property:

- i. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 2080 South Ocean Dr., Apt. 404, Hallandale Beach, FL 33009-6684, owned by MA Real Estate Holdings LLC;
- ii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 2J, Hollywood, FL 33019, owned by MA Real Estate Holdings LLC;
- iii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 6N, Hollywood, FL 33019, owned by MA Real Estate Holdings LLC;
- iv. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 9F, Hollywood, FL 33019, owned by MA Real Estate Holdings LLC;
- v. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 12F, Hollywood, FL 33019, owned by MA Real Estate Holdings LLC;
- vi. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 2080 South Ocean Drive, Apt. 1705, Hallandale Beach, FL 33009-6684, owned by XS Management, Inc.;

- vii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 2080 South Ocean Dr., Apt. 112, Hallandale Beach, FL 33009-6684, owned by XS Management, Inc.;
 - viii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 8L, Hollywood, FL 33019, owned by Oceanview Advanced Properties
 - ix. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 4F, Hollywood, FL 33019, owned by Oceanview Advanced Properties;
 - x. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 6G, Hollywood, FL 33019, owned by Oceanview Advanced Properties;
 - xi. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., #14H, Hollywood, FL 33019, owned by Oceanside Group Properties Inc.;
 - xii. all that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 4001 S. Ocean Dr., # 2P, Hollywood, FL 33019, owned by Oceanside Group Properties Inc.;
- (i. through xi., collectively, the “Subject Properties”);

WHEREAS, the Subject Properties are geographically situated in Broward County (“Broward County”), a political subdivision of the State of Florida;

WHEREAS, the Defendant has an ownership interest in the Subject Properties and has an obligation to pay real estate taxes to Broward County;

WHEREAS, Broward County represents the real estate tax balance as of January 4, 2019 for the Subject Properties was \$384,985.08 (the “Outstanding Tax Balance”), specifically:

Address	Property ID No.	Record owner	Balance Due (as of 1/4/2019)
2080 S Ocean Dr Unit 404	514226-AQ-0360	Shifman, Mark & Lillian	\$0.00
4001 S Ocean Dr #4F	514226-EA-0360	Oceanview Advanced Properties Inc.	\$39,513.70
4001 S Ocean Dr #2J	514226-EA-0090	M A Real Estate Holdings LLC	\$37,727.68
4001 S Ocean Dr #6N	514226-EA-0730	Oceanview Advanced Properties Inc.	\$44,718.96
4001 S Ocean Dr #9F	514226-EA-1110	M A Real Estate Holdings LLC	\$32,742.06
4001 S Ocean Dr #12F	514226-EA-1560	MA Real Estate Holdings LLC	\$43,278.14
2080 S Ocean Dr Unit 1705	514226-AQ-1810	XS Management Inc.	\$28,813.95
2080 S Ocean Dr Unit 112	514226-AQ-0090	XS Management Inc.	\$76,486.25
4001 S Ocean Dr #8L	5142 26 EA 1010	Investments Dreams of Faith LLC	\$0.00
4001 S Ocean Dr #6G	514226-EA-0670	M A Real Estate Holdings LLC	\$25,763.45
4001 S Ocean Dr #14H	514226-EA-1730	Oceanside Group Properties Inc.	\$23,973.32
4001 S Ocean Dr #2P	514226-EA-0140	Oceanside Group Properties Inc.	\$31,967.57

WHEREAS, the Outstanding Tax Balance has since increased and will increase over time pursuant to Florida law, including without limitation sections 197.122, 197.162, 197.172, 197.472 and 197.542, Fla. Stat. (2019);

WHEREAS, on December 26, 2018, Broward County received notice from the United States of the Preliminary Order pursuant to 21 U.S.C. § 853(n)(1), and on January 23, 2019, timely filed a Petition to recover such taxes pursuant to 21 U.S.C. § 853(n)(2) (D.E. 56);

WHEREAS, in September 2019, the United States served notice upon tax-certificate holders and tax-deed applicants of record for the foregoing properties pursuant to 21 U.S.C. § 853(n)(1);

WHEREAS, as of this date, no other parties have filed a claim to the Subject Properties or otherwise defended against this forfeiture action as to the Subject Properties, as required by 21 U.S.C. §§ 853(n)(2), and (3), as incorporated by 28 U.S.C. § 2461(c), and the time within which to do so has expired;

WHEREAS, the United States acknowledges Broward County's potential interest in the Subject Properties;

WHEREAS, Broward County represents that its duties as tax collector are ministerial in nature and that Broward County has no authority to compromise on property tax; and

WHEREAS, the parties seek to resolve Broward County's interest in the Subject Properties without litigation;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney David R. Lewis, of counsel, and Broward County, by its counsel, Scott Andron, Esq., that:

1. The United States of America hereby recognizes Broward County's interest in the Outstanding Tax Balance on the Subject Properties and any additional increase in amounts owed, pursuant to Florida law, prior to the entry of a Final Order of Forfeiture ("Final Order") forfeiting legal title to the United States.

2. Upon the sale of the Subject Properties, pursuant either to a final order of forfeiture in this criminal matter forfeiting all right, title and interest in the Subject Properties to the United States, or pursuant to an interlocutory sale order in this criminal matter, the United States agrees to satisfy, from the proceeds of the sale of the Subject Properties, the Outstanding

Tax Balance and applicable interest charges on the same in addition to any real estate taxes accrued prior to the entry of a Final Order pursuant to Florida law (the "Amount Due"), to the extent that there are sufficient proceeds, after the deduction of government expenses relating to seizure, maintenance, custody, and disposal of the Subject Properties.

3. In furtherance of such a sale, the Parties agree to execute promptly any documents which may be required to convey clear title to the property and complete the sale of the Subject Properties.

4. The United States further agrees to pay Broward County first from the proceeds of the sale of the Subject Properties, after the deduction of government expenses relating to seizure, maintenance, custody, and disposal of the Subject Properties.

5. The United States further agrees to contact, or direct the U.S. Marshals Service or such other agents as the United States may designate, to contact, Claudio Manicone, Senior Manager with the Broward County Records, Taxes and Treasury Division, cmanicone@broward.org or 954-357-8638, or counsel for Broward County to obtain the Amount Due.

6. Upon entry of this Stipulation and Order, Broward County agrees to not contest or file any claims of interest in the ancillary proceeding in this criminal action or any civil forfeiture action contesting the forfeiture of the Subject Properties to the United States.

7. Broward County is hereby barred from asserting any claim against the United States or any of its agents, contractors or employees, including the USMS, the Federal Bureau of Investigation ("FBI"), the Department of Justice ("DOJ") or the United States Attorney's Office-Southern District of New York ("USAO-SDNY"), in connection with, or arising

out of, the United States' forfeiture of the Subject Properties or the transfer of the Subject Properties to the United States, its agents or designees.

8. The individual(s) signing this Stipulation and Order on behalf of Broward County represent and warrant that they are authorized by Broward County to execute this Stipulation and Order.

9. This Stipulation and Order constitutes the complete agreement between the parties hereto on the matters contained herein, and no other statement, promise or agreement, either written or oral, made by either party or agents of either party, that is not contained in this written Agreement shall be enforceable. Any modifications to this agreement shall be in a writing signed by the parties.

10. The parties hereby waive all rights to appeal or to otherwise challenge or contest the validity of this Stipulation and Order.

11. Each party to this Stipulation and Order shall bear its own costs and attorney's fees. No attorney's fees associated with this settlement shall be authorized.

12. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

13. The Clerk of the Court shall forward three certified copies of this Stipulation and Order to Assistant United States Attorney Alexander J. Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York 10007.

14. The signature page of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Signature pages may be by fax or scanned and such signatures shall be deemed as valid originals.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney
Southern District of New York
For the United States of America

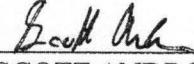
By: 

DAVID RAYMOND LEWIS
Assistant United States Attorney
Southern District of New York
One Saint Andrew's Plaza
New York, NY 10007

December 18, 2019

DATE

BROWARD COUNTY
ANDREW J. MEYERS
County Attorney
For Petitioner Broward County

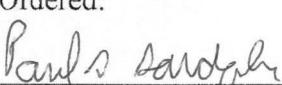
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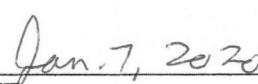
SCOTT ANDRON, ESQ.
Assistant County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, FL 33301
(954) 357-7600

12/18/19

DATE

So Ordered:


HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT JUDGE


DATE